

Message Text

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ORIGIN OES-07

INFO OCT-01 EUR-12 ISO-00 EB-08 COME-00 CG-00 DOTE-00
DLOS-09 CIAE-00 DODE-00 PM-05 H-01 INR-10 L-03
NSAE-00 PA-01 SP-02 SS-15 ICAE-00 NSCE-00 INRE-00
SSO-00 TRSE-00 /074 R

DRAFTED BY OES/OFA/FA:DGMARSHALL:MAC
APPROVED BY EUR/CAN:JROUSE
OES/OFA:JNEGROPONTE (SUBS)

-----102911 290140Z /63

O 290116Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA IMMEDIATE
COAST GUARD WASHDC IMMEDIATE 0124
DIR. NATIONAL MARINE FISHERIES SVC IMMEDIATE

C O N F I D E N T I A L STATE 109572

E.O. 11652: GDS

TAGS: EFIS, CA

SUBJECT: U.S./CANADA 1978 RECIPROCAL FISHERIES AGREEMENT

1. U.S. AND CANADIAN OFFICIALS MET AFTERNOON APRIL 28
TO DISCUSS THE SALMON TROLL PROVISIONS OF 1978 INTERIM
AGREEMENT. U.S. REPRESENTATIVE POINTED OUT THAT DUE
TO CANADIAN FAILURE TO CLOSE THE SWIFTSURE BANK AREA OF
BRITISH COLUMBIA STATISTICAL AREA 21 AS CONTEMPLATED IN
SECTION 1 (C) OF THE AGREEMENT ANNEX, THE U.S. COULD
NOT ALLOW THE FULL RANGE OF EXPANDED PROVISIONS FOR
CANADIAN FISHING IN THE U.S. ZONE. U.S. OFFERED THAT IF
CANADA CLOSED THE SWIFTSURE AREA IMMEDIATELY WE WOULD
BE PREPARED TO ALLOW POSSESSION OF 26 INCH FISH ON BOARD
CANADIAN VESSELS IN THE U.S. ZONE AS PROVIDED IN 1978
ANNEX BUT THAT FISHING WOULD BE RESTRICTED TO THE AREA
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COVERED BY THE 1977 AGREEMENT. U.S. OFFERED TO EXPLORE
POSSIBILITIES OF EXPANDING CANADIAN ZONE BUT COULD NOT
HOLD OUT ANY ASSURANCE THIS COULD BE AGREED TO.

2. CANADA TOOK THE POSITION THAT THE AREA COULD NOT BE
CLOSED UNLESS THE U.S. WERE WILLING TO ALLOW NOT ONLY
THE 26 INCH FISH PROVISION BUT ALSO FULL INCREASED FISH-

ING AREA DESCRIBED IN THE 1978 AGREEMENT.

3. CANADIANS BASED THEIR POSITION ON THE SWIFTSURE CLOSURE ON THEIR ASSESSMENT THAT THERE ARE NO PERSUASIVE CONSERVATION REASONS FOR SUCH A CLOSURE. CANADA IS UNDER SUBSTANTIAL DOMESTIC PRESSURE FROM ITS WEST COAST SALMON FISHERMEN WITH RESPECT TO THE OPPORTUNITIES FOR CANADIAN FISHING IN THE U.S. ZONE. ON THE U.S. SIDE, WASHINGTON STATE SALMON TROLLERS HAVE FILED A SUIT SEEKING AN INJUNCTION AGAINST PROVISIONAL APPLICATION OF THE 1978 AGREEMENT PENDING CONGRESSIONAL APPROVAL OF THAT AGREEMENT. THUS BOTH SIDES WERE CONSTRAINED BY DOMESTIC CONSIDERATIONS IN THE EXTENT TO WHICH FLEXIBILITY COULD BE SHOWN, AND THE ISSUE COULD NOT BE RESOLVED.

5. THE U.S. REP INFORMED THE CANADIANS THAT WE WOULD ADVISE OUR ENFORCEMENT AUTHORITIES THAT THE 1978 INTERIM AGREEMENT IS BEING APPLIED PROVISIONALLY AND THAT CANADIAN SALMON TROLLERS WILL BE ALLOWED TO FISH IN THE U.S. ZONE UNDER THE SAME CONDITIONS THAT PREVAILED IN 1977.

6. THE CANADIANS ADVISED US THAT THEY WOULD REPORT OUR DECISION TO THEIR MINISTERS IMMEDIATELY. IN A FOLLOW-UP DISCUSSION CANADA SUGGESTED THAT PERHAPS TWO GOVERN-
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MENTS SHOULD JOINTLY AGREE NOT TO IMPLEMENT THE RECIPROCAL AGREEMENT PROVISIONALLY AND TO HAVE FISHING BY EACH COUNTRIES' VESSELS LIMITED TO AREAS ENCOMPASSED BY THEIR PUBLISHED FISHERY ZONE CLAIMS. THIS WOULD PREVAIL IN THEIR VIEW UNTIL CONGRESS HAD APPROVED THE INTERIM AGREEMENT AT WHICH TIME CANADA WOULD CLOSE THE SWIFTSURE BANK AND THE U.S. WOULD ALLOW CANADIAN FISHING UNDER THE TERMS DESCRIBED IN THE 1978 AGREEMENT. THE U.S. RESPONDED TO THIS SUGGESTION BY POINTING OUT THAT ANY SUSPENSION OF RECIPROCAL FISHERIES WOULD DIMINISH THE LIKELIHOOD OF CONGRESSIONAL APPROVAL OF THE INTERIM AGREEMENT AND THAT THE LONG-TERM FISHERY NEGOTIATIONS WOULD INEVITABLY ASSUME A DIFFERENT CHARACTER AND MIGHT BE SERIOUSLY JEOPARDIZED. CANADIAN SIDE SUGGESTED THAT NONETHELESS SUSPENSION OF IMPLEMENTATION MIGHT WELL BE PUT FORWARD TO MINISTERS AS OPTION.

7. CANADA ALSO RAISED AT THE MEETING A NUMBER OF CONCERNS REGARDING EAST COAST FISHERIES ISSUES AND REQUESTED PROMPT CONSULTATION AND U.S. ACTION TO RESOLVE THOSE ISSUES. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FISHERIES, AGREEMENTS, NEGOTIATIONS, FISHING AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE109572
Document Source: CORE
Document Unique ID: 00
Drafter: DGMARSHALL:MAC
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780183-0264
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978042/aaaaaavy.tel
Line Count: 115
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 3671bca7-c288-dd11-92da-001cc4696bcc
Office: ORIGIN OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2855430
Secure: OPEN
Status: NATIVE
Subject: U.S./CANADA 1978 RECIPROCAL FISHERIES AGREEMENT
TAGS: EFIS, CA
To: OTTAWA CG MULTIPLE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/3671bca7-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014